

United States Bankruptcy Court for the:

Southern District of Georgia

Case number (if known): _____

Chapter you are filing under:

- ☐ Chapter 7
☒ Chapter 11
☐ Chapter 12
☐ Chapter 13

☐ Check if this is an
amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

06/22

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name J. Michael Smith Construction, LLC

2. All other names debtor used in the last 8 years

J.M. Smith Construction
 Jeffcoat Smith Construction

Include any assumed names,
trade names, and *doing business*
as names

3. Debtor's federal Employer Identification Number (EIN)

86-2762624

4. Debtor's address

Principal place of business

318 Westminster Drive

Number Street

Guyton GA 31312

City State ZIP Code

Effingham County

County

Mailing address, if different from principal place of business

318 Westminster Drive

Number Street

P.O. Box

Guyton GA 31312

City State ZIP Code

Location of principal assets, if different from principal place of business

Number Street

City State ZIP Code

5. Debtor's website (URL) jmsmithconstruction.biz

6. Type of debtor

- ☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
☐ Partnership (excluding LLP)
☐ Other. Specify: _____

Debtor J. Michael Smith Construction, LLC Case number (if known) _____
Name

7. Describe debtor's business**A. Check one:**

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
☒ None of the above

B. Check all that apply:

- ☐ Tax-exempt entity (as described in 26 U.S.C. § 501)
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
☐ Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.See <http://www.naics.com/search/>.2371**8. Under which chapter of the Bankruptcy Code is the debtor filing?****Check one:**

- ☐ Chapter 7
☐ Chapter 9
☒ Chapter 11. **Check all that apply:**

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

- ☒ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$3,024,725. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
☒ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11.** If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
☐ A plan is being filed with this petition.
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**☒ No

☐ Yes. District _____ When _____ Case number _____
MM / DD / YYYY
 District _____ When _____ Case number _____
MM / DD / YYYY

If more than 2 cases, attach a separate list.

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?☐ No

☒ Yes. Debtor Jarrod Michael Smith Relationship Managing Member
 District Southern District of Georgia When 12/27/2023
 Case number, if known 23-41166 MM / DD / YYYY

List all cases. If more than 1, attach a separate list.

Debtor J. Michael Smith Construction, LLC Case number (if known) _____
 Name

11. Why is the case filed in *this* district?*Check all that apply:*

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

- ☒ No
- ☐ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? *(Check all that apply.)*

- ☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.
 What is the hazard? _____
- ☐ It needs to be physically secured or protected from the weather.
- ☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
- ☐ Other _____

Where is the property?

Number _____ Street _____

City _____ State _____ ZIP Code _____

Is the property insured?

- ☐ No
- ☐ Yes. Insurance agency _____
- Contact name _____
- Phone _____

Statistical and administrative information**13. Debtor's estimation of available funds***Check one:*

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

14. Estimated number of creditors

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000 | <input type="checkbox"/> 25,001-50,000 |
| <input type="checkbox"/> 50-99 | <input type="checkbox"/> 5,001-10,000 | <input type="checkbox"/> 50,001-100,000 |
| <input type="checkbox"/> 100-199 | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input type="checkbox"/> 200-999 | | |

15. Estimated assets

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> \$0-\$50,000 | <input type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion |
| <input type="checkbox"/> \$50,001-\$100,000 | <input type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion |
| <input type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion |

Debtor J. Michael Smith Construction, LLC Case number (if known) _____
 Name

16. Estimated liabilities

- | | | |
|--|--|--|
| <input type="checkbox"/> \$0-\$50,000 | <input type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion |
| <input checked="" type="checkbox"/> \$50,001-\$100,000 | <input type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion |
| <input type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion |

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 01/02/2024
 MM / DD / YYYY

X /s/ Jarrod M. Smith

Signature of authorized representative of debtor

Jarrod M. Smith

Printed name

Title Managing Member

18. Signature of attorney

X /s/ Jon Levis

Signature of attorney for debtor

Date 01/02/2024

MM / DD / YYYY

Jon Levis

Printed name

Levis Law Firm, LLC

Firm name

Post Office Box 129

Number Street

Swainsboro

City

GA

State

30401

ZIP Code

478-237-7029

Contact phone

levis@levislawfirmllc.com

Email address

448848

Bar number

GA

State

Fill in this information to identify the case:Debtor name J. Michael Smith Construction, LLCUnited States Bankruptcy Court for the: Southern District of Georgia

Case number (If known): _____

☐ Check if this is an amended filing**Official Form 204****Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders****12/15**

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an *insider*, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
1	Jasaes Pipe Installations, LLC 125 Pecan Road, Blvd. Bloomington, GA, 31302		Suppliers or Vendors				50,000.00
2	Mark Denmark 646 Greenwich Drive Richmond Hill, GA, 31324		Monies Loaned / Advanced				6,000.00
3	Daily Organics 1465 Bellinger Hill Road Hardeeville, SC, 29927						0.00
4	Michael and Michele Digiovanni 2263 Hwy. 119 South Guyton, GA, 31312						0.00
5	Maxcon Holdings Post Office Box 7209 Savannah, GA, 31418						0.00
6	Sunbelt Rentals 3535 North Graham Street Charlotte, NC, 28206						0.00
7	Knights Concrete Post Office Box 3407 Summerville, SC, 29484						0.00
8	National Equipment Dealers 215 Woodside Drive Lexington, NC, 27292						0.00

Debtor J. Michael Smith Construction, LLC
Name

Case number (if known) _____

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
9	United Rentals 224 Selleck Street Stamford, CT, 06902						0.00
10	Uniform Concrete 531 Telfair Road Savannah, GA, 31415						0.00
11	Toi Toi Post Office Box 114 Dept. 5947 Birmingham, AL, 35246						0.00
12	Gridiron Capital, LLC 50 Pine Street New Canaan, CT, 06840						0.00
13	Diamond Concrete Attn: Alan Zipperer Post Office Box 1370 Rincon, GA, 31326						0.00
14	Portaclean 8525 N. Gilmore Road Fairfield, OH, 45014						0.00
15	Leefield Logistics 981 Pulaski Road Statesboro, GA, 30458						0.00
16	National Trench Safety 7285 Peppermill Pkwy. North Charleston, SC, 29418						0.00
17	Core and Main 550 Jimmy Deloach Pkwy. Ste. 120 Savannah, GA, 31407						0.00
18	John Beasley 7606 Driftwood Ave. Savannah, GA, 31406						0.00
19	Elevation Construction 2345 Low Ground Road Guyton, GA, 31312						0.00
20	Beacon New Homes 7370 Hodgson Memorial Dr. Ste. Savannah, GA, 31406						0.00

ADE Bookkeeping
3507 South Okatie Hwy.
Unit C
Hardeeville, SC 29927

Diamond Concrete
Attn: Alan Zipperer
Post Office Box 1370
Rincon, GA 31326

Badger Rental
2799 Highway 80 West
Savannah, GA 31408

Dunright Services
1516 West Palmetto Street
Florence, SC 29501

Beacon New Homes
7370 Hodgson Memorial Dr.
Ste.
Savannah, GA 31406

Elevation Construction
2345 Low Ground Road
Guyton, GA 31312

Brent Bazemore
Griffin Contracting
122 Pipemakers Cir., Ste. 207
Pooler, GA 31322

Emerald Petroleum
Attn: Cheryl
1541 Dean Forest Road
Savannah, GA 31408

Caterpillar Financial Services
2120 West End Ave.
Nashville, TN 37203

Emmy Capital Group
442 5th Ave., #2398
New York, NY 10018

CFG Merchant Solutions
18 Maiden Lane, Ste. 1502
New York, NY 10030

Equipment Share
5710 Bull Run Drive
Columbia, MO 65201

Complete Precast
4898 Old Louisville Road
Savannah, GA 31408

Georgia Department of Revenue
Taxpayer Services Division
1800 Century Blvd., Ste 17000
Atlanta, GA 30345

Consolidated Pipe and Supply
1205 Hilltop Pkwy.
Birmingham, AL 35204

Georgia Surveyors Exchange Company
101-A North Gamble Road
Savannah, GA 31405

Core and Main
550 Jimmy Deloach Pkwy.
Ste. 120
Savannah, GA 31407

Gridiron Capital, LLC
50 Pine Street
New Canaan, CT 06840

Daily Organics
1465 Bellinger Hill Road
Hardeeville, SC 29927

Infusion Capital
40 Wall Street
43rd Floor
New York, NY 10005

Dakota Financial
11766 Wilshire Blvd. #550
Los Angeles, CA 90025

Internal Revenue Service
Insolvency Remittance
Post Office Box 21125
Philadelphia, PA 19114-0325

Jarrod Smith
318 Westminster Drive
Guyton, GA 31312

Portaclean
8525 N. Gilmore Road
Fairfield, OH 45014

Jarrod Smith

Sunbelt Rentals
3535 North Graham Street
Charlotte, NC 28206

Jasaes Pipe Installations, LLC
125 Pecan Road, Blvd.
Bloomington, GA 31302

Toi Toi
Post Office Box 114
Dept. 5947
Birmingham, AL 35246

John Beasley
7606 Driftwood Ave.
Savannah, GA 31406

Uniform Concrete
531 Telfair Road
Savannah, GA 31415

Knights Concrete
Post Office Box 3407
Summerville, SC 29484

United Rentals
224 Selleck Street
Stamford, CT 06902

Leefield Logistics
981 Pulaski Road
Statesboro, GA 30458

Vulcan Materials
10151 Deerwood Pkwy. Blvd.
Bldg. 100, Ste. 120
Jacksonville, FL 32256

Low Country Machinery
1008 Highway 80 East
Pooler, GA 31322

Mark Denmark
646 Greenwich Drive
Richmond Hill, GA 31324

Maxcon Holdings
Post Office Box 7209
Savannah, GA 31418

Michael and Michele Digiovanni
2263 Hwy. 119 South
Guyton, GA 31312

National Equipment Dealers
215 Woodside Drive
Lexington, NC 27292

National Equipment Dealers
Post Office Box 736976
Dallas, TX 75373-6976

National Trench Safety
7285 Peppermill Pkwy.
North Charleston, SC 29418

United States Bankruptcy Court
Southern District of Georgia

In re: J. Michael Smith Construction, LLC

Case No.

Chapter 11

Debtor(s)

Verification of Creditor Matrix

The above-named Debtor(s) hereby verify that the attached list of creditors is true and correct to the best of their knowledge.

Date: 01/02/2024

/s/ Jarrod M. Smith

Signature of Individual signing on behalf of debtor

Managing Member

Position or relationship to debtor

Fill in this information to identify the case and this filing:Debtor Name J. Michael Smith Construction, LLCUnited States Bankruptcy Court for the: Southern District of Georgia

Case number (If known): _____

Official Form 202**Declaration Under Penalty of Perjury for Non-Individual Debtors**

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☐ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☐ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☐ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☐ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☐ *Schedule H: Codebtors* (Official Form 206H)
- ☐ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- ☐ Amended Schedule _____
- ☒ *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☐ Other document that requires a declaration _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 01/02/2024
MM / DD / YYYY

X /s/ Jarrod M. Smith

Signature of individual signing on behalf of debtor

Jarrod M. Smith

Printed name

Managing Member

Position or relationship to debtor

United States Bankruptcy Court

Southern District of Georgia

In re J. Michael Smith Construction, LLC

Case No. _____

Debtor

Chapter ¹¹ _____

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

☒ FLAT FEE

For legal services, I have agreed to accept \$ 15,000.00
 Prior to the filing of this statement I have received. \$ 5,000.00
 Balance Due. \$ 10,000.00

☐ RETAINER

For legal services, I have agreed to accept a retainer of \$ _____

The undersigned shall bill against the retainer at an hourly rate of \$ _____

[Or attach firm hourly rate schedule.] Debtor(s) have agreed to pay all Court approved fees and expenses exceeding the amount of the retainer.

2. The source of the compensation paid to me was:

☐ Debtor ☒ Other (specify) Mark Denmark

3. The source of compensation to be paid to me is:

☒ Debtor ☐ Other (specify)

4. ☒ I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

☐ I have agreed to share the above-disclosed compensation with a other person or persons who are not members or associates of my law firm. A copy of the Agreement, together with a list of the names of the people sharing the compensation is attached.

5. In return of the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- Preparation and filing of any petition, schedules, statements of affairs and plan which may be required;
- Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;

d. [Other provisions as needed]

6. By agreement with the debtor(s), the above-disclosed fee does not include the following services:
Plus \$350.00 per hour for additional related work or such other rate is allowed by the Court.

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

01/02/2024

/s/ Jon Levis, 448848

Date

Signature of Attorney

Levis Law Firm, LLC

Name of law firm
Post Office Box 129
Swainsboro, GA 30401